REMARKS

In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration of the present application. At the time of the outstanding Office Action, August 18, 2009, claims 40-46, 48-56, and 58-71 were pending. By this Response claims 40, 54 and 68-70 are amended. No new matter has been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with appropriate status identifiers.

35 U.S.C. § 103 Rejections

Claims 40-41, 54-55 and 68-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,393,388 to Franz *et al.* (Franz) in view of U.S. Patent No. 5,444,817 to Takizawa (Takizawa), and further in view of U.S. Patent No. 6,151,576 Warnock, *et al.* (Warnock). Claim 70 stands rejected as being unpatentable over Franz in view of Takizawa and in further view of U.S. Patent No. 6,614,797 to Hippelainen (Hippelainen). Claims 42-46, 58-62 and 71 stand rejected as being unpatentable over Franz in view of Takizawa and Warnock and in further view of U.S. Patent No. 7,013,267 to Huart *et al.* (Huart). Claims 51-53 and 63-67 stand rejected as being unpatentable over Franz in view of Takizawa and Warnock in further view of U.S. Patent No. 6,480,827 to McDonald (McDonald). Claims 49-50 stand rejected as being unpatentable over Franz in view of Takizawa, Warnock and Huart and in further view of McDonald. Claims 40-71 stand rejected as being unpatentable over Franz in view of Takizawa, Warnock and in further view of U.S. Patent No. 6,775,652 to Cox *et al.* (Cox). Because the cited art does not teach or suggest each of the limitations of the claims as amended, Applicant requests reconsideration.

Consider claim 40, which, as amended, recites, in part:

a packet combine unit configured to combine, for *each of the clause units, every packet of said real-time voice data communication packets that includes portions of the voice data for the clause unit into a corresponding single packet.*

The cited art does not teach or suggest at least this feature of the instant claim. The Office Action admits that neither Franz nor Takizawa disclose the feature of a packet combine unit configured to combine for each clause unit every packet of the real time communication packets that include a portion of the voice data for the clause unit and cites to Warnock to cure the deficiency. (Office Action, page 6, line 21- page 7, line 20.) However, Warnock does not combine every packet of real time voice data for each clause unit into a single packet. Warnock only splices the digitized speech of a clause containing a "doubtful word" into the text stream of the clause containing the doubtful word to create a mixed media data stream for that particular clause and not for each clause. Warnock states:

> As shown in FIG. 3, the stream combiner compares the reliability measure r_i for each recognized word w_i to a reliability threshold. Words that fail to satisfy the threshold are considered doubtful and their indices i are provided as one input to a subprocess that performs the step (step 310) of creating a mixed-media data stream of digitized speech and recognized text 132 (FIG. 1). The phrases or clauses C_j that contain doubtful words are located and the original speech samples for the time periods corresponding to the phrases or clauses are also provided (step 304). To create the mixed-media data stream, the recognized text (including the doubtful words) and speech sample segments corresponding to phrases and clauses containing doubtful words are combined (step 310). This is accomplished as follows.

> For each doubtful word, the beginning and ending time stamps of the phrase or clause containing the word are found. The speech samples bounded by the time stamps are spliced into the stream of text data along with the word indices of the phrase or clause containing the word. The word indices marking the beginning and end of phrases or clauses containing doubtful words are prepended to the front of the data stream. Optionally, the text portion, the speech portion, or both portions of the resulting data stream can be compressed. (Col. 4, lines 35-58.)

Thus, Warnock does not teach or suggest combining every packet of real time voice data of each clause unit into a single packet, but merely discusses if a clause contains a doubtful word, a word having a reliability measure below a reliability threshold, splicing the digitized speech of the clause into the text stream of the clause. Thus, Warnock does not teach or suggest a packet combining unit configured as in the instant claim. Consequently, the instant claim defines over Franz, Takizawa, and Warnock.

Neither are the deficiencies of Franz, Takizawa, and Warnock cured by Hippelainen, Huart, McDonald, nor Cox. Hippelainen merely discusses that the same transmission channel can be used for the transmission of both call packets and control packets. (Col. 3, line 10-19.) Hippelainen makes no mention of combining every packet of real time voice data of each clause unit into a single packet.

Huart merely discusses establishing a control channel to convey a voice parameter such as pitch, period, amplitude, frequency or other voice characterizing parameter from a source to a destination. (Col. 4, lines 5-28.) Huart makes no mention of combining every packet of real time voice data of each clause into a single packet.

McDonald merely discusses a Speech Phonetic Parser/Recognizer which breaks a stream digital signals into phoneme segments. (Col. 4, lines 26-35.) McDonald makes no mention of combining every packet of real time voice data of each clause unit into a single packet.

Cox merely discusses mapping one or more digital frames of 20 to 30 millisecond duration into a single packet for transmission. (Col. 2, line 65- col. 3, line 13) Cox makes no mention of combining every packet of real time voice data of each clause unit into a single packet. The instant claim distinguishes over the prior art in allowing for the recognition of the meaning of speech even in a deteriorated communication path environment. Thus, for at least the foregoing reasons the instant claim defines over the cited art.

Claims 54 and 68-70 recite limitations similar to claim 40 and for similar reasons also define over the cited art. Claims 41-46 and 48-53, claims 55-56 and 58-67 and claim 71 depend from claims 40, 54 and 70, respectively, and therefore also define patentable subject matter. Accordingly, Applicant respectfully requests withdrawal of the instant rejections.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date ___11/3/2009___   By _____

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